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E-filed 1/24/07

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Attorneys for Plaintiff
Systems America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYSTEMS AMERICA, INC., a Delaware
Corporation,

Plaintiff,

v.

THE ST. PAUL TRAVELERS
COMPANY, INC., a Minnesota
Corporation, and ST. PAUL MERCURY
INSURANCE COMPANY, a Minnesota
Corporation,

Defendants.

No. C 05 02499 JF

STIPULATION AND (~~PROPOSED~~)
ORDER FOR DISMISSAL

The parties have reached a settlement agreement in this matter and hereby stipulate to dismissal of this matter with prejudice and without costs, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

1 DATED: January 24, 2007

2 BULLIVANT HOUSER BAILEY PC

3
4 By Jess Millikan
5 Jess B. Millikan *By Amr per*
6 Joye Blanscett *email authorized*
7 Attorneys for Defendants The St. Paul Travelers
8 Company, Inc. and St. Paul Mercury Insurance
9 Company

10 DATED: January 24, 2007


11 HELLER EHRMAN LLP

12
13 By Angela Niemann
14 Angela Niemann (admitted *pro hac vice*)
15 Christopher Stoll
16 Attorneys for Plaintiff Systems America, Inc.

ORDER

Based on the parties' representations above, and good cause appearing therefore, it is hereby ordered that this case is dismissed with prejudice without award of attorneys fees and costs to either of the parties.

Dated: 1/24/07



Hon. Jeremy Fogel
United States District Court Judge

[SE 2195046 v1]